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## 2016-CV12383 - DONALD DAVIS V AMERICAN FAMILY INSURANCE COMPANY (E-CASE)

<a href="#">Case File</a>	<a href="#">Parties &amp; Attorneys</a>	<a href="#">Docket Entries</a>	<a href="#">Charges, Judgments &amp; Sentences</a>	<a href="#">Service Information</a>	<a href="#">Filings Due</a>	<a href="#">Scheduled Hearings &amp; Trials</a>	<a href="#">Civil Judgments</a>	<a href="#">Garnishments/Execution</a>
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10/05/2020 ☐ [Return Service - Other](#)

Mailed to American Family Insurance Company on 09/24/2020.

09/30/2020 ☐ [Corporation Served](#)

Document ID - 20-SMCC-8503; Served To - AMERICAN FAMILY INSURANCE COMPANY; Server - ; Served Date - 24-SEP-20; Served Time - 13:59:00; Service Type - Special Process Server; Reason Description - Served

☐ [Notice of Service](#)

Notice of Service.

**Filed By:** ADAM ROSS MOORE

**On Behalf Of:** DONALD DAVIS

09/23/2020 ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-8503, for AMERICAN FAMILY INSURANCE COMPANY.

☐ [Order - Special Process Server](#)

09/22/2020 ☐ [Motion Special Process Server](#)

Motion for Appointment of Special Process Server.

**Filed By:** ADAM ROSS MOORE

**On Behalf Of:** DONALD DAVIS

☐ [Request Filed](#)

Request for Issuance of Alias Summons.

**Filed By:** ADAM ROSS MOORE

**On Behalf Of:** DONALD DAVIS

☐ [Notice of Service](#)

Notice of Non-Service.

**Filed By:** ADAM ROSS MOORE

**On Behalf Of:** DONALD DAVIS

☐ [Summons Returned Non-Est](#)

Document ID - 20-SMCC-4358; Served To - AMERICAN FAMILY INSURANCE COMPANY; Server - ; Served Date - 22-SEP-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Non-est

09/14/2020 ☐ [Notice of Court Hearing Sent](#)
☐ [Case Mgmt Conf Scheduled](#)

Case 4:20-cv-00853-FJG Document 2-1 Filed 10/23/20 Page 1 of 32

**Scheduled For:** 10/27/2020; 9:00 AM ; CORY LEE ATKINS; Jackson - Independence

☐ **Hearing Continued/Rescheduled**

Continued for Service

**Hearing Continued From:** 09/15/2020; 8:30 AM Case Management Conference

**05/28/2020** ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-4358, for AMERICAN FAMILY INSURANCE COMPANY.

☐ [Case Mgmt Conf Scheduled](#)

**Associated Entries:** 09/14/2020 - Hearing Continued/Rescheduled 

**Scheduled For:** 09/15/2020; 8:30 AM ; CORY LEE ATKINS; Jackson - Independence

☐ **Judge Assigned**

**05/27/2020** ☐ **Filing Info Sheet eFiling**

**Filed By:** ADAM ROSS MOORE

☐ **Note to Clerk eFiling**

**Filed By:** ADAM ROSS MOORE

☐ [Pet Filed in Circuit Ct](#)

Petition for Damages.

**Filed By:** ADAM ROSS MOORE

**On Behalf Of:** DONALD DAVIS

Department of Commerce and Insurance



FILED - CIRCUIT COURT  
JACKSON CO., MO-1  
20 OCT -5 AM 10:28

**TO:** Corporate Secretary (or United States Manager or Last Appointed General Agent) of

AMERICAN FAMILY INSURANCE COMPANY  
CSC LAWYERS INCORPORATING SERVICE COMPANY  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

**RE:** Court: Jackson Co. at Independence, Case Number: 2016-CV12383

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Commerce and Insurance of the state of Missouri, Dated at Jefferson City, Missouri this Thursday, September 24, 2020.

Director of Commerce and Insurance

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

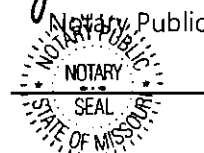
The undersigned Director of the Department of Commerce and Insurance or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on September 25, 2020 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Commerce and Insurance

By:

Subscribed and sworn to before me this 24<sup>th</sup> day of September, 2020

My commission expires:



KATHRYN LATIMER  
My Commission Expires  
March 4, 2024  
Cole County  
Commission #12418395

# **AFFIDAVIT OF SERVICE**

State of Missouri

County of Jackson

Circuit Court

Case Number: 2016-CV12383

Plaintiff/Petitioner:

**DONALD DAVIS**

vs.

Defendant/Respondent:

**AMERICAN FAMILY INSURANCE COMPANY**

Received by HPS Process Service & Investigations to be served on **American Family Insurance Company, c/o Director of Department of Insurance, 301 West High Street, Suite 530, Jefferson City, MO 65101. I, DAVID M. ROBERTS**, being duly sworn, depose and say that on the 24 day of SEP, 2020 at 1:57 p.m., executed service by delivering a true copy of the Summons in Civil Case; Petition for Damages; and Motion for Appointment of Private Process Server/Order for Appointment of Private Process Server in accordance with state statutes in the manner marked below:

( ) REGISTERED AGENT SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_ for the above-named entity.

( ) RECORDS CUSTODIAN SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_ for the above-named entity.

☒ CORPORATE SERVICE: By serving DEBRA LEE as designee for the above-named entity. (MO DEPT OF INSURANCE)

( ) OTHER SERVICE: As described in the Comments below.

( ) NON SERVICE: For the reason detailed in the Comments below.

**COMMENTS:** \_\_\_\_\_

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 24th day of Sept, 20 by the affiant who is personally known to me.

Patricia J. Roberts  
NOTARY PUBLIC  
PATRICIA J. ROBERTS  
Notary Public-Notary Seal  
STATE OF MISSOURI-County of Cole  
Commission #12481691  
My Commission Expires Dec. 4, 2020

David M. Roberts

PROCESS SERVER # PPS 20-0206  
Appointed in accordance with State Statutes

**HPS Process Service & Investigations**  
**www.hpsprocess.com**  
**1669 Jefferson**  
**Kansas City, MO 64108**  
**(800) 796-9559**

Our Job Serial Number: 2020018034





# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI


Judge or Division: CORY LEE ATKINS	Case Number: 2016-CV12383
Plaintiff/Petitioner: DONALD DAVIS	Plaintiff's/Petitioner's Attorney/Address ADAM ROSS MOORE 1600 GENESSEE ST STE 853 KANSAS CITY, MO 64102
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Breach of Contract	

(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** AMERICAN FAMILY INSURANCE COMPANY  
Alias:

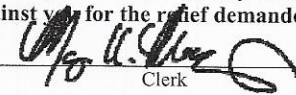
**DIRECTOR OF DEPARTMENT OF INSURANCE**  
301 WEST HIGH DRIVE SUITE 530  
JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
JACKSON COUNTY

**PRIVATE PROCESS SERVER**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

23-SEP-2020  
Date

  
Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to DEBRA LEE (name) designee of Mo DEPT OF INSURANCE (title).

☐ other \_\_\_\_\_

Served at 301 W. High St., Room 530, Jefferson City, MO 65101 (address)  
in COLE (County/City of St. Louis), MO, on 09/24/20 (date) at 1:57pm (time).

DAVID M. ROBERTS Printed Name of Sheriff or Server  
DR Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on 9-24-20 (date)

My commission expires: 12-4-20 (date)

Patricia J. Roberts Notary Public

<b>Sheriff's Fees</b>		<b>PATRICIA J. ROBERTS</b>
Summons	\$ _____	Notary Public-Notary Seal
Non Est	\$ _____	STATE OF MISSOURI-County of Cole
Sheriff's Deputy Salary	\$ _____	Commission #12481691
Supplemental Surcharge	\$ 10.00	My Commission Expires Dec. 4, 2020
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)	
<b>Total</b>	\$ _____	


A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: CORY LEE ATKINS	Case Number: 2016-CV12383	(Date File Stamp)
Plaintiff/Petitioner: DONALD DAVIS	Plaintiff's/Petitioner's Attorney/Address ADAM ROSS MOORE 1600 GENESSEE ST STE 853 KANSAS CITY, MO 64102	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	Court Address: 308 W Kansas INDEPENDENCE, MO 64050	
Nature of Suit: CC Breach of Contract		

## Summons in Civil Case

<p><b>The State of Missouri to:</b> AMERICAN FAMILY INSURANCE COMPANY</p> <p><b>Alias:</b></p> <p>DIRECTOR OF DEPARTMENT OF INSURANCE 301 WEST HIGH DRIVE SUITE 530 JEFFERSON CITY, MO 65101</p> <p><b>COURT SEAL OF</b></p>  <p><b>JACKSON COUNTY</b></p>	<p><b>PRIVATE PROCESS SERVER</b></p> <p><b>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</b></p> <p>23-SEP-2020 Date</p> <p>_____ Clerk</p> <p>Further Information:</p>
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### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)
- in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE, MISSOURI**

**DONALD DAVIS**  
**8824 Hunter Ave.**  
**Kansas City, MO 64138**

**Plaintiff,**

**v.**

**AMERICAN FAMILY INSURANCE  
COMPANY**

**Serve at:**

**Director**

**Department of Insurance**

**301 W. High Street, Suite 530**

**Jefferson City, Missouri 65101**

**Defendant.**

**Case No. 2016-CV-12383**

**Division 17**

**MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff Donald Davis, by and through counsel, and pursuant to Local Rule 4.9 of Jackson County Court Rules, hereby moves for the appointment of HPS Process Service & Investigations, Inc.:

Will Acree	PPS20-0275
Jan Adams	PPS20-0276
Roger Adams	PPS20-0277
Randy Adkins	PPS20-0225
Bobby Ali	PPS20-0278
Gregory Allen	PPS20-0279
Victor Aponte	PPS20-0280
Brandon Aschenbrenner	PPS20-0281
Julia Ascorra	PPS20-0282
Teresa Bailly	PPS20-0283
Joseph Baska	PPS20-0284
Robert Bassler	PPS20-0578
Carrington Bell	PPS20-0012
George Bell	PPS20-0286
Carlos Biale	PPS20-0579
Dianna Blea	PPS20-0287
Richard J Blea	PPS20-0288

Robert Blixt	PPS20-0289
Brent Bohnhoff	PPS20-0014
Ann Bollino	PPS20-0291
Donnie C Briley	PPS20-0292
Kathy Broom	PPS20-0293
Kenneth Brown	PPS20-0294
Douglas S Brower	PPS20-0580
Hester Bryant	PPS20-0019
Nicholas Bull	PPS20-0020
James F Burke	PPS20-0296
Randy Burrow	PPS20-0021
Gory Burt	PPS20-0022
Maurice Burton	PPS20-0298
Steve Butcher	PPS20-0581
William Caputo	PPS20-0299
Kyle Carter	PPS20-0023
Charles Casey	PPS20-0300
George Castillo	PPS20-0301



Fidel A Cervantes	PPS20-0302
Trenia Cherry	PPS20-0303
Joyce Clemmons	PPS20-0304
John Clor	PPS20-0305
Kathleen Clor	PPS20-0306
Chad Compton	PPS20-0307
Kenneth V Condrey	PPS20-0308
Sharon R Condrey	PPS20-0309
Theodore Cordasco	PPS20-0310
Cesar Corral	PPS20-0311
George H Covert	PPS20-0312
Dennis Dahlberg	PPS20-0026
Mary Dahlberg	PPS20-0027
Patricia Dambach-Cirko	PPS20-0313
Bert Daniels, Jr.	PPS20-0028
Alterck Davenport	PPS20-0314
Richard Davis	PPS20-0029
Duane D Day	PPS20-0315
Gerald R Deadwyles	PPS20-0316
Bryce Dearborn	PPS20-0317
Robert DeLacy, Jr.	PPS20-0318
Robert E DeLacy, III	PPS20-0319
Kathleen Dnunno	PPS20-0320
Marrissa Doan	PPS20-0034
Claudia Dohn	PPS20-0321
Dale Dorning	PPS20-0322
Valentina Dorning	PPS20-0323
Catherine Drake	PPS20-0324
Alex Duaine	PPS20-0325
Roland Duff	PPS20-0326
Rochelle D Earthrise	PPS20-0327
Daniel Eberle	PPS20-0328
Shawn Edwards	PPS20-0035
Jessica Ellison	PPS20-0330
Abel Emiru	PPS20-0331
Donald C Eskra, Jr.	PPS20-0332
Leticia Estrada	PPS20-0333
David S Felter	PPS20-0334
William Ferrell	PPS20-0037
Robert Finley	PPS20-0335
Stephen Folcher	PPS20-0336
Ryan D Fortune	PPS20-0337

Chris Fowler	PPS20-0338
James Frago	PPS20-0038
John Frago	PPS20-0039
Kelsey Garrett	PPS20-0582
Thomas Garrett	PPS20-0339
Andrew Garza	PPS20-0041
Charles Gay	PPS20-0340
Richard Gerber	PPS20-0341
Louis Gerrick	PPS20-0342
Paul Gizel	PPS20-0343
Ronda Godard	PPS20-0344
Adam Golden	PPS20-0345
Bradley Gordon	PPS20-0042
Tom Gorgone	PPS20-0044
Paul O Grimes	PPS20-0348
Charles Gunning	PPS20-0046
Aloysivs Guy, Sr.	PPS20-0583
David Hahn	PPS20-0584
Eric Hahn	PPS20-0585
Stefanie Hahn	PPS20-0586
Darnell Hamilton	PPS20-0143
Kimberly Hamilton	PPS20-0351
Natalie Hawks	PPS20-0050
Larry Haynes	PPS20-0352
Douglas Hays	PPS20-0051
Grace Hazell	PPS20-0353
Richard Heimerich, Jr.	PPS20-0354
Stephen Heitz	PPS20-0052
Charles Helms	PPS20-0356
Austen Hendrickson	PPS20-0357
Jonathan Hennings	PPS20-0358
Jesse J Hernandez	PPS20-0359
Michael Hibler	PPS20-0360
Anthonio Hightower	PPS20-0361
Cherrod T Hindsman	PPS20-0362
James Hise	PPS20-0054
Gary F Hodges	PPS20-0363
Alex Holland	PPS20-0057
Leonard Horseman	PPS20-0364
Ulonda Howard	PPS20-0365
Martin Hueckel	PPS20-0366
Damion Hugher	PPS20-0367
William Humble	PPS20-0590

Mary Hurley	PPS20-0058
George Illidge	PPS20-0368
Frank James	PPS20-0369
Matthew Jankowski	PPS20-0370
Betty Johnson	PPS20-0059
Edward Johnson	PPS20-0060
James Johnson	PPS20-0061
Jordan Johnson	PPS20-0372
Justin L Johnson	PPS20-0373
Randy Johnson	PPS20-0374
Samuel Johnson	PPS20-0375
Haile Kahssu	PPS20-0376
Kenneth Kearney	PPS20-0377
Michael Keating	PPS20-0378
Christopher Keilbart	PPS20-0591
Elizabeth A Kidd	PPS20-0379
Donna Jo King	PPS20-0371
Kenneth Klewicki	PPS20-0380
George Kotsiras	PPS20-0592
Wyman Kroft	PPS20-0381
Jo Ann Lane	PPS20-0382
Linda Langville	PPS20-0593
Eric B Layton	PPS20-0383
Kristie Lewis	PPS20-0384
John D Lichtenegger	PPS20-0385
Bert Lott	PPS20-0386
Robert Lutren	PPS20-0387
Daniel Maglothin	PPS20-0069
Matthews J Manlich	PPS20-0388
Robert Manning	PPS20-0389
Deborah Martin	PPS20-0072
Michael Martin	PPS20-0073
Ryan Martin	PPS20-0193
Susie Martin	PPS20-0390
Thomas Matthews	PPS20-0391
Casey McKee	PPS20-0076
Michael McMahon	PPS20-0392
Michael Meade	PPS20-0393
Michael Meador	PPS20-0077
Kenny Medlin	PPS20-0078
Arsalan Memon	PPS20-0396
Eric Mendenhall	PPS20-0397
Jenna Mendoza	PPS20-0398

Kellie A. Meyer	PPS20-0673
Matthew Millhollin	PPS20-0081
Carla M Monehain	PPS20-0400
Carlos Moreno	PPS20-0401
Michael S Morrison	PPS20-0402
Zachary P. Mueller	PPS20-0596
Kelly Murski	PPS20-0403
Andrew Myers	PPS20-0087
Frederick Myers	PPS20-0088
James Myers	PPS20-0089
Stephanie Myers	PPS20-0090
Paul Nardizzi	PPS20-0404
Wendy Neff	PPS20-0405
Christopher New	PPS20-0091
Jillian Newkirk	PPS20-0406
Jeremy Nicholas	PPS20-0092
Michael Noble	PPS20-0093
Michael C Nolon	PPS20-0409
Colter Norris	PPS20-0410
Dennis Norris	PPS20-0411
Kody Norris	PPS20-0412
Trinity Olson	PPS20-0413
Craig Palmer	PPS20-0414
Cynthia Paris	PPS20-0415
Douglas W Patterson	PPS20-0416
Antonio Perez	PPS20-0417
Jaron Perkins	PPS20-0418
Anha Pham	PPS20-0419
Thai Pham	PPS20-0420
Bonnie Phillippi	PPS20-0597
Gregory Piazza	PPS20-0421
Vincent A Piazza	PPS20-0422
Brian T Pierce	PPS20-0423
Timothy Pinney	PPS20-0424
Joshua Pitts	PPS20-0425
Craig Podgurski	PPS20-0598
Rocellious Pope	PPS20-0426
Nancy A Porter	PPS20-0427
Andre Powell	PPS20-0428
Benjamin Purses	PPS20-0429
Richard Ramirez	PPS20-0430
Charles Reardon	PPS20-0431
Derek L Reddick	PPS20-0432

Angela Reed	PPS20-0433
Christopher Reed	PPS20-0434
Edward Reed	PPS20-0435
Betty G Rice	PPS20-0436
Karen L Rice	PPS20-0437
Cheryl Richey	PPS20-0439
Terri Richards	PPS20-0106
Debra Rios	PPS20-0440
David M Roberts	PPS20-0206
Patricia Roberts	PPS20-0207
Jeroy Robinson	PPS20-0441
Sammie Robinson	PPS20-0108
Adrienne Rodriguez	PPS20-0442
Gabriel Rodriguez	PPS20-0443
Mateo F Rodriguez	PPS20-0444
Richard C Ross	PPS20-0445
Melissa Ruiz	PPS20-0446
Antonio Ruque	PPS20-0447
Geena Christine Rupp	PPS20-0599
Edna Russell	PPS20-0110
Lee H Russell	PPS20-0448
Mark A Russell	PPS20-0449
John Sadler	PPS20-0450
Ligno Sanchez	PPS20-0451
Virginia Saxon-Ford	PPS20-0452
Greg Schermerhorn	PPS20-0453
Brenda Schiwitz	PPS20-0111
Michael Schuller	PPS20-0454
Nathaniel Scott	PPS20-0455
Grant Selvey	PPS20-0600
Quratulain Shoukat	PPS20-0456
Jeremy Small	PPS20-0457
Monica Smith	PPS20-0458
Anthony Spada	PPS20-0459
Melissa Spencer	PPS20-0460
Jamie Stallo	PPS20-0461
Marc A Starks	PPS20-0462
Barbara Steil	PPS20-0463
Kelvin Stinyard	PPS20-0464
Randy Stone	PPS20-0117

Sonja Stone	PPS20-0118
Steven Stosur	PPS20-0465
Robert T Stover	PPS20-0006
Jeanie Straessler	PPS20-0466
Chance Strawser	PPS20-0467
David Taliaferro	PPS20-0119
Ramona Rose Talvacchio	PPS20-0468
Katherina M Tan	PPS20-0469
Berhane Tassaw	PPS20-0470
Michael Taylor	PPS20-0120
Courtney S. Thiemann	PPS20-0601
Robert Hayes Thomas	PPS20-0602
Walter Thomas	PPS20-0603
William Wyatt Thomas	PPS20-0604
Christina Tiffany	PPS20-0471
Stephen M Troutz	PPS20-0472
Clinton Turpen	PPS20-0473
Henry J Valladares Cruz	PPS20-0474
Margarita Vasquez	PPS20-0475
Robert E Vick, II	PPS20-0476
Bradley Votaw	PPS20-0477
Joseph T Wachowski	PPS20-0478
Ambiko Wallace	PPS20-0479
Vance M Warren, Sr.	PPS20-0480
Barbara West	PPS20-0481
Pamela K Wheetley	PPS20-0007
Jennifer White	PPS20-0482
Gregory Willing	PPS20-0130
Conni Wilson	PPS20-0131
Deborah A Wilson	PPS20-0484
Jerry Wilson	PPS20-0132
Mitchell Wirth	PPS20-0485
Debra Woodhouse	PPS20-0133
Jerry Wooten	PPS20-0487
Kimary Ann Zappia	PPS20-0606

as private process servers in the above-captioned matter. In support of said motion, Plaintiff states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

/s/ Adam R. Moore

Adam R. Moore Mo. Bar # 52395

The Moore Law Firm LLC

1600 Genessee, Suite 862

Kansas City, MO 64102

(816) 668-6911 (telephone)

(816) 817-1259 (fax)

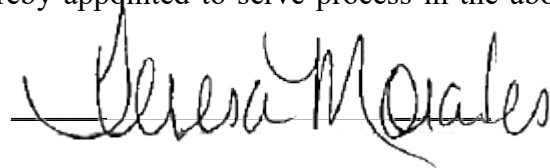
[adam@moorelawkc.com](mailto:adam@moorelawkc.com)

**ATTORNEY FOR PLAINTIFF DONALD  
DAVIS**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above named individuals are hereby appointed to serve process in the above captioned matter.

DATE: 23-Sep-2020

A handwritten signature in black ink, appearing to read "Teresa Morales", is written over a horizontal line.

DEPUTY COURT ADMINISTRATOR

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE, MISSOURI**

**DONALD DAVIS**  
**8824 Hunter Ave.**  
**Kansas City, MO 64138**

**Plaintiff,**

**v.**

**AMERICAN FAMILY INSURANCE  
COMPANY**

**Serve at:**

**Director**

**Department of Insurance**

**301 W. High Street, Suite 530**

**Jefferson City, Missouri 65101**

**Defendant.**

**Case No. 2016-CV-12383**

**Division 17**

**MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff Donald Davis, by and through counsel, and pursuant to Local Rule 4.9 of Jackson County Court Rules, hereby moves for the appointment of HPS Process Service & Investigations, Inc.:

Will Acree	PPS20-0275
Jan Adams	PPS20-0276
Roger Adams	PPS20-0277
Randy Adkins	PPS20-0225
Bobby Ali	PPS20-0278
Gregory Allen	PPS20-0279
Victor Aponte	PPS20-0280
Brandon Aschenbrenner	PPS20-0281
Julia Ascorra	PPS20-0282
Teresa Bailly	PPS20-0283
Joseph Baska	PPS20-0284
Robert Bassler	PPS20-0578
Carrington Bell	PPS20-0012
George Bell	PPS20-0286
Carlos Biale	PPS20-0579
Dianna Blea	PPS20-0287
Richard J Blea	PPS20-0288

Robert Blixt	PPS20-0289
Brent Bohnhoff	PPS20-0014
Ann Bollino	PPS20-0291
Donnie C Briley	PPS20-0292
Kathy Broom	PPS20-0293
Kenneth Brown	PPS20-0294
Douglas S Brower	PPS20-0580
Hester Bryant	PPS20-0019
Nicholas Bull	PPS20-0020
James F Burke	PPS20-0296
Randy Burrow	PPS20-0021
Gory Burt	PPS20-0022
Maurice Burton	PPS20-0298
Steve Butcher	PPS20-0581
William Caputo	PPS20-0299
Kyle Carter	PPS20-0023
Charles Casey	PPS20-0300
George Castillo	PPS20-0301



Fidel A Cervantes	PPS20-0302
Trenia Cherry	PPS20-0303
Joyce Clemmons	PPS20-0304
John Clor	PPS20-0305
Kathleen Clor	PPS20-0306
Chad Compton	PPS20-0307
Kenneth V Condrey	PPS20-0308
Sharon R Condrey	PPS20-0309
Theodore Cordasco	PPS20-0310
Cesar Corral	PPS20-0311
George H Covert	PPS20-0312
Dennis Dahlberg	PPS20-0026
Mary Dahlberg	PPS20-0027
Patricia Dambach-Cirko	PPS20-0313
Bert Daniels, Jr.	PPS20-0028
Alterck Davenport	PPS20-0314
Richard Davis	PPS20-0029
Duane D Day	PPS20-0315
Gerald R Deadwyles	PPS20-0316
Bryce Dearborn	PPS20-0317
Robert DeLacy, Jr.	PPS20-0318
Robert E DeLacy, III	PPS20-0319
Kathleen Dnunno	PPS20-0320
Marrissa Doan	PPS20-0034
Claudia Dohn	PPS20-0321
Dale Dorning	PPS20-0322
Valentina Dorning	PPS20-0323
Catherine Drake	PPS20-0324
Alex Duaine	PPS20-0325
Roland Duff	PPS20-0326
Rochelle D Earthrise	PPS20-0327
Daniel Eberle	PPS20-0328
Shawn Edwards	PPS20-0035
Jessica Ellison	PPS20-0330
Abel Emiru	PPS20-0331
Donald C Eskra, Jr.	PPS20-0332
Leticia Estrada	PPS20-0333
David S Felter	PPS20-0334
William Ferrell	PPS20-0037
Robert Finley	PPS20-0335
Stephen Folcher	PPS20-0336
Ryan D Fortune	PPS20-0337

Chris Fowler	PPS20-0338
James Frago	PPS20-0038
John Frago	PPS20-0039
Kelsey Garrett	PPS20-0582
Thomas Garrett	PPS20-0339
Andrew Garza	PPS20-0041
Charles Gay	PPS20-0340
Richard Gerber	PPS20-0341
Louis Gerrick	PPS20-0342
Paul Gizel	PPS20-0343
Ronda Godard	PPS20-0344
Adam Golden	PPS20-0345
Bradley Gordon	PPS20-0042
Tom Gorgone	PPS20-0044
Paul O Grimes	PPS20-0348
Charles Gunning	PPS20-0046
Aloysivs Guy, Sr.	PPS20-0583
David Hahn	PPS20-0584
Eric Hahn	PPS20-0585
Stefanie Hahn	PPS20-0586
Darnell Hamilton	PPS20-0143
Kimberly Hamilton	PPS20-0351
Natalie Hawks	PPS20-0050
Larry Haynes	PPS20-0352
Douglas Hays	PPS20-0051
Grace Hazell	PPS20-0353
Richard Heimerich, Jr.	PPS20-0354
Stephen Heitz	PPS20-0052
Charles Helms	PPS20-0356
Austen Hendrickson	PPS20-0357
Jonathan Hennings	PPS20-0358
Jesse J Hernandez	PPS20-0359
Michael Hibler	PPS20-0360
Anthonio Hightower	PPS20-0361
Cherrod T Hindsman	PPS20-0362
James Hise	PPS20-0054
Gary F Hodges	PPS20-0363
Alex Holland	PPS20-0057
Leonard Horseman	PPS20-0364
Ulonda Howard	PPS20-0365
Martin Hueckel	PPS20-0366
Damion Hugher	PPS20-0367
William Humble	PPS20-0590

Mary Hurley	PPS20-0058
George Illidge	PPS20-0368
Frank James	PPS20-0369
Matthew Jankowski	PPS20-0370
Betty Johnson	PPS20-0059
Edward Johnson	PPS20-0060
James Johnson	PPS20-0061
Jordan Johnson	PPS20-0372
Justin L Johnson	PPS20-0373
Randy Johnson	PPS20-0374
Samuel Johnson	PPS20-0375
Haile Kahssu	PPS20-0376
Kenneth Kearney	PPS20-0377
Michael Keating	PPS20-0378
Christopher Keilbart	PPS20-0591
Elizabeth A Kidd	PPS20-0379
Donna Jo King	PPS20-0371
Kenneth Klewicki	PPS20-0380
George Kotsiras	PPS20-0592
Wyman Kroft	PPS20-0381
Jo Ann Lane	PPS20-0382
Linda Langville	PPS20-0593
Eric B Layton	PPS20-0383
Kristie Lewis	PPS20-0384
John D Lichtenegger	PPS20-0385
Bert Lott	PPS20-0386
Robert Lutren	PPS20-0387
Daniel Maglothin	PPS20-0069
Matthews J Manlich	PPS20-0388
Robert Manning	PPS20-0389
Deborah Martin	PPS20-0072
Michael Martin	PPS20-0073
Ryan Martin	PPS20-0193
Susie Martin	PPS20-0390
Thomas Matthews	PPS20-0391
Casey McKee	PPS20-0076
Michael McMahan	PPS20-0392
Michael Meade	PPS20-0393
Michael Meador	PPS20-0077
Kenny Medlin	PPS20-0078
Arsalan Memon	PPS20-0396
Eric Mendenhall	PPS20-0397
Jenna Mendoza	PPS20-0398

Kellie A. Meyer	PPS20-0673
Matthew Millhollin	PPS20-0081
Carla M Monehain	PPS20-0400
Carlos Moreno	PPS20-0401
Michael S Morrison	PPS20-0402
Zachary P. Mueller	PPS20-0596
Kelly Murski	PPS20-0403
Andrew Myers	PPS20-0087
Frederick Myers	PPS20-0088
James Myers	PPS20-0089
Stephanie Myers	PPS20-0090
Paul Nardizzi	PPS20-0404
Wendy Neff	PPS20-0405
Christopher New	PPS20-0091
Jillian Newkirk	PPS20-0406
Jeremy Nicholas	PPS20-0092
Michael Noble	PPS20-0093
Michael C Nolon	PPS20-0409
Colter Norris	PPS20-0410
Dennis Norris	PPS20-0411
Kody Norris	PPS20-0412
Trinity Olson	PPS20-0413
Craig Palmer	PPS20-0414
Cynthia Paris	PPS20-0415
Douglas W Patterson	PPS20-0416
Antonio Perez	PPS20-0417
Jaron Perkins	PPS20-0418
Anha Pham	PPS20-0419
Thai Pham	PPS20-0420
Bonnie Phillippi	PPS20-0597
Gregory Piazza	PPS20-0421
Vincent A Piazza	PPS20-0422
Brian T Pierce	PPS20-0423
Timothy Pinney	PPS20-0424
Joshua Pitts	PPS20-0425
Craig Podgurski	PPS20-0598
Rocellious Pope	PPS20-0426
Nancy A Porter	PPS20-0427
Andre Powell	PPS20-0428
Benjamin Purses	PPS20-0429
Richard Ramirez	PPS20-0430
Charles Reardon	PPS20-0431
Derek L Reddick	PPS20-0432

Angela Reed	PPS20-0433
Christopher Reed	PPS20-0434
Edward Reed	PPS20-0435
Betty G Rice	PPS20-0436
Karen L Rice	PPS20-0437
Cheryl Richey	PPS20-0439
Terri Richards	PPS20-0106
Debra Rios	PPS20-0440
David M Roberts	PPS20-0206
Patricia Roberts	PPS20-0207
Jeroy Robinson	PPS20-0441
Sammie Robinson	PPS20-0108
Adrienne Rodriguez	PPS20-0442
Gabriel Rodriguez	PPS20-0443
Mateo F Rodriguez	PPS20-0444
Richard C Ross	PPS20-0445
Melissa Ruiz	PPS20-0446
Antonio Ruque	PPS20-0447
Geena Christine Rupp	PPS20-0599
Edna Russell	PPS20-0110
Lee H Russell	PPS20-0448
Mark A Russell	PPS20-0449
John Sadler	PPS20-0450
Ligno Sanchez	PPS20-0451
Virginia Saxon-Ford	PPS20-0452
Greg Schermerhorn	PPS20-0453
Brenda Schiwitz	PPS20-0111
Michael Schuller	PPS20-0454
Nathaniel Scott	PPS20-0455
Grant Selvey	PPS20-0600
Quratulain Shoukat	PPS20-0456
Jeremy Small	PPS20-0457
Monica Smith	PPS20-0458
Anthony Spada	PPS20-0459
Melissa Spencer	PPS20-0460
Jamie Stallo	PPS20-0461
Marc A Starks	PPS20-0462
Barbara Steil	PPS20-0463
Kelvin Stinyard	PPS20-0464
Randy Stone	PPS20-0117

Sonja Stone	PPS20-0118
Steven Stosur	PPS20-0465
Robert T Stover	PPS20-0006
Jeanie Straessler	PPS20-0466
Chance Strawser	PPS20-0467
David Taliaferro	PPS20-0119
Ramona Rose Talvacchio	PPS20-0468
Katherina M Tan	PPS20-0469
Berhane Tassaw	PPS20-0470
Michael Taylor	PPS20-0120
Courtney S. Thiemann	PPS20-0601
Robert Hayes Thomas	PPS20-0602
Walter Thomas	PPS20-0603
William Wyatt Thomas	PPS20-0604
Christina Tiffany	PPS20-0471
Stephen M Troutz	PPS20-0472
Clinton Turpen	PPS20-0473
Henry J Valladares Cruz	PPS20-0474
Margarita Vasquez	PPS20-0475
Robert E Vick, II	PPS20-0476
Bradley Votaw	PPS20-0477
Joseph T Wachowski	PPS20-0478
Ambiko Wallace	PPS20-0479
Vance M Warren, Sr.	PPS20-0480
Barbara West	PPS20-0481
Pamela K Wheetley	PPS20-0007
Jennifer White	PPS20-0482
Gregory Willing	PPS20-0130
Conni Wilson	PPS20-0131
Deborah A Wilson	PPS20-0484
Jerry Wilson	PPS20-0132
Mitchell Wirth	PPS20-0485
Debra Woodhouse	PPS20-0133
Jerry Wooten	PPS20-0487
Kimary Ann Zappia	PPS20-0606

as private process servers in the above-captioned matter. In support of said motion, Plaintiff states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

/s/ Adam R. Moore  
Adam R. Moore Mo. Bar # 52395  
The Moore Law Firm LLC  
1600 Genessee, Suite 862  
Kansas City, MO 64102  
(816) 668-6911 (telephone)  
(816) 817-1259 (fax)  
[adam@moorelawkc.com](mailto:adam@moorelawkc.com)

**ATTORNEY FOR PLAINTIFF DONALD  
DAVIS**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above named individuals are hereby appointed to serve process in the above captioned matter.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge or Circuit Clerk

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE, MISSOURI**

**DONALD DAVIS**  
**8824 Hunter Ave.**  
**Kansas City, MO 64138**

**Plaintiff,**

**V.**

**AMERICAN FAMILY INSURANCE  
COMPANY**

**Serve at:**

## Director

**Department of Insurance**  
**301 W. High Street, Suite 530**  
**Jefferson City, Missouri 65101**

**Defendant.**

**Case No. 2016-CV-12383**

## Division 17

## REQUEST FOR ISSUANCE OF ALIAS SUMMONS

COMES NOW Plaintiff Donald Davis, by and through counsel, and hereby requests that the Clerk of the Court issue an Alias Summons to Defendant American Family Insurance Company. Plaintiff requests service of process by Service by Process Server authorized or appointed, who are qualified persons to serve process, are not parties and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case. Plaintiff is filing Plaintiff's Motion for Appointment of Private Process Server concurrently with this Request.

Respectfully submitted,

/s/ Adam R. Moore

Adam R. Moore Mo. Bar # 52395  
The Moore Law Firm LLC  
1600 Genessee, Suite 862  
Kansas City, MO 64102  
(816) 668-6911 (telephone)  
(816) 817-1259 (fax)  
[adam@moorelawkc.com](mailto:adam@moorelawkc.com)

**ATTORNEY FOR PLAINTIFF DONALD  
DAVIS**





**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE, MISSOURI**

**DONALD DAVIS**  
**8824 Hunter Ave.**  
**Kansas City, MO 64138**

**Plaintiff,**

**V.**

**AMERICAN FAMILY INSURANCE  
COMPANY**

**Defendant.**

**Case No. 2016-CV-12383**

## Division 17

## NOTICE OF NON-SERVICE

COMES NOW Plaintiff Donald Davis, by and through counsel, and hereby provides notice that the Summons originally issued on May 28, 2020 has not been served on Defendant. Plaintiff is filing a Request for Alias Summons and a Motion for Appointment of Private Process Server concurrently with this filing to effectuate service on Defendant.

Respectfully submitted,

/s/ Adam R. Moore

Adam R. Moore Mo. Bar # 52395  
The Moore Law Firm LLC  
1600 Genessee, Suite 862  
Kansas City, MO 64102  
(816) 668-6911 (telephone)  
(816) 817-1259 (fax)  
[adam@moorelawkc.com](mailto:adam@moorelawkc.com)

**ATTORNEY FOR PLAINTIFF DONALD  
DAVIS**





# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: CORY LEE ATKINS	Case Number: 2016-CV12383
Plaintiff/Petitioner: DONALD DAVIS	Plaintiff's/Petitioner's Attorney/Address ADAM ROSS MOORE 1600 GENESSEE ST STE 853 KANSAS CITY, MO 64102
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Breach of Contract	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** AMERICAN FAMILY INSURANCE COMPANY  
**Alias:**  
 DIRECTOR OF DEPARTMENT  
 OF INSURANCE  
 301 WEST HIGH DRIVE SUITE 530  
 JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

28-MAY-2020  
 Date

  
 Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

<b>Sheriff's Fees</b>	
Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**DONALD DAVIS,**

**PLAINTIFF(S),**

**VS.**

**CASE NO. 2016-CV12383  
DIVISION 17**

**AMERICAN FAMILY INSURANCE COMPANY,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **CORY LEE ATKINS** on **15-SEP-2020** in **DIVISION 17** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ CORY LEE ATKINS**

**CORY LEE ATKINS, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

ADAM ROSS MOORE, 1600 GENESSEE ST STE 853, KANSAS CITY, MO 64102

#### **Defendant(s):**

AMERICAN FAMILY INSURANCE COMPANY

Dated: 28-MAY-2020

MARY A. MARQUEZ  
Court Administrator

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE, MISSOURI**

**DONALD DAVIS**  
**8824 Hunter Ave.**  
**Kansas City, MO 64138**

**Plaintiff,**

**V.**

**AMERICAN FAMILY INSURANCE  
COMPANY**

**Serve at:**

## Director

**Department of Insurance**  
**301 W. High Street, Suite 530**  
**Jefferson City, Missouri 65101**

**Defendant.**

**Case No.** \_\_\_\_\_

**Division** \_\_\_\_\_

## PETITION FOR DAMAGES

COMES NOW Plaintiff Donald Davis, by and through his attorneys of record, and states  
as follows for his causes of action against defendant American Family Insurance Company:

1. Plaintiff Donald Davis is and was, at all relevant times, a resident of Kansas City, Jackson County, Missouri.

2. Defendant American Family Insurance Company (hereinafter "American Family") is a corporation authorized to provide insurance in the State of Missouri. Service can be obtained on Defendant American Family by serving the Director, Department of Insurance, 301 W. High Street, Suite 530, Jefferson City, MO 65101.

## JURISDICTION AND VENUE

3. Jurisdiction is proper in the State of Missouri because Plaintiff Donald Davis is a resident of Missouri and American Family is a corporation licensed to provide insurance in the

State of Missouri and the acts and omissions forming the basis of this Petition took place in Jackson County, Missouri.

4. Venue is proper in the Jackson County Circuit Court in that the acts that are the subject of this petition took place in the area of Kansas City, Jackson County, Missouri.

5. Jurisdiction and venue are proper before this Court pursuant to Mo. Rev. Stat. §§ 506.500 and 508.010.

### **FACTS**

6. On or about August 25, 2018, Plaintiff Davis was driving a 2013 Buick Lacrosse VIN #1G4GC5E32DF268567 and was stopped on 112<sup>th</sup> St. at the intersection with Ruskinway in Kansas City, Jackson County, Missouri.

7. On or about the same date and time, Harrison Wilson was driving a 2007 Chevrolet Avalanche VIN #1G4PP55K6D4160352 eastbound on Ruskinway and she made a turn onto 112<sup>th</sup> St. in Kansas City, Jackson County, Missouri.

8. At said time and place, Harrison Wilson, while required to use the highest degree of care, drove her vehicle in a careless manner.

9. Due to her negligence, Harrison Wilson's vehicle crashed into Mr. Davis vehicle while Mr. Davis was stopped at the intersection, which caused significant injury and harm to Mr. Davis.

### **COUNT I**

#### **BREACH OF UNDERINSURED MOTORIST INSURANCE CONTRACT**

10. Plaintiff Donald Davis hereby incorporates the above paragraphs as though fully set forth herein.

11. At the time of the accident, August 25, 2018, Donald Davis had a policy of insurance with Defendant American Family.

12. Defendant American Family issued Policy Number 410143234965 to Plaintiff Davis. This automobile insurance policy provided, inter alia, coverage for Donald Davis for Underinsured Motorist Coverage in the amount of \$100,000 each person/\$300,000 each accident on a 2013 Buick Lacrosse VIN #1G4GC5E32DF268567.

13. As such, the policy was in full force and effect on the date of the auto accident referenced above.

14. Plaintiff was an insured under the coverage of said policy.

15. Plaintiff Davis met his contractual obligations by paying the policy premiums, including payment of a separate premium for the Underinsured Motorist Coverage for the vehicle covered in the policy.

16. Harrison Wilson was underinsured for negligently operating her motor vehicle and for Mr. Davis' damages.

17. Plaintiff Davis completed his claim against the at-fault driver, Harrison Wilson, and her insurance company, Safeco, has provided the full limits of their policy to settle the claims against Harrison Wilson.

18. However, Plaintiff Davis' injuries and damages from the collision far exceed the limits of the Safeco policy, thereby implicating his Underinsured Motorist Coverage under his American Family policy.

19. All conditions precedent to the liability of Defendant American Family under Plaintiff's own underinsured motorist coverage policy have been met.



20. Plaintiff is legally owed benefits from Defendant American Family under his underinsured motorist coverage policy for his damages.

21. Defendant American Family has breached its contract for insurance coverage with Plaintiff, and is legally liable for his damages in this lawsuit.

22. As a direct and proximate result of the negligence and carelessness of Harrison Wilson, Plaintiff Davis was hit by the vehicle and suffered pain, suffering, severe injuries and lost wages as a result of this collision.

23. As a direct and proximate result of the negligence and carelessness of Harrison Wilson, Plaintiff Davis has incurred medical, rehabilitation, hospital, and doctor bills for medical care and treatment.

24. As a direct and proximate result of the negligence and carelessness of Harrison Wilson, Plaintiff Davis suffered lost wages as he was unable to work for a period of 23 weeks following the collision.

25. As a direct and proximate result of the negligence and carelessness of Harrison Wilson, Plaintiff Davis has sustained economic and non-economic losses now and in the future, suffered personal injuries, has been forced to seek medical treatment, has incurred medical expenses, will incur such expenses in the future, has lost wages/income and business opportunities, and has experienced past and ongoing pain and suffering, mental anguish, emotional distress and the loss of enjoyment of life.

26. Damages sustained by Plaintiff Davis, as described above, are in excess of the insurance policy limits of Harrison Wilson.

27. Because Defendant American Family has refused to pay Mr. Davis' actual damages, it has not met its contractual obligation and has breached the contract.

28. This refusal to pay has created a significant financial burden on Plaintiffs Davis resulting in additional damages.

WHEREFORE, Plaintiff Donald Davis respectfully requests this Court to enter judgment against Defendant American Family for actual damages in an amount that is fair and reasonable for their costs and expenses incurred herein, and for such other relief as the court deems just and necessary.

## **COUNT II**

### **VEXATIOUS REFUSAL TO PAY BY AMERICAN FAMILY**

29. Plaintiff Donald Davis hereby incorporates the above paragraphs as though fully set forth herein.

30. Defendant American Family issued Policy Number 410143234965 to Plaintiff Davis.

31. The Policy was in effect on August 25, 2018 at the time of the automobile collision which forms the subject matter of Plaintiff Davis' claim.

32. Plaintiff Davis provided Defendant American Family with evidence of his injuries and damages well in excess of \$100,000 and requested Defendant American Family to uphold its obligation and to cover the uncompensated damages under the underinsured motorist endorsements in the American Family policy owed under Policy Number 410143234965.

33. Defendant American Family has failed to compensate Mr. Davis for his clearly documented economic and non-economic damages from his injuries. American Family has had sufficient time and has been provided with sufficient information to evaluate Mr. Davis' claim. Instead of honoring its contractual obligations, Defendant American Family has grossly and unreasonably undervalued Mr. Davis' damages without any valid reason.

34. Defendant American Family's response to Plaintiff Davis' demand for payment under the Policy failed to recognize the severity of Plaintiff Davis' injuries and his pain and suffering, mental anguish, emotional distress and lost wages from those injuries.

35. Defendant American Family refused to pay the demand submitted by Plaintiff Davis under Policy Number 410143234965 and responded with a minimal offer that was not reasonable based on the severity of Mr. Davis' economic and non-economic damages.

36. The refusal was without reasonable cause or excuse as the facts would appear to a reasonable and prudent person in violation of Missouri Statutes § 375.296 and § 375.420.

37. After Defendant American Family refused the initial demand to honor its obligation to compensate Mr. Davis for his damages, Mr. Davis sent a letter to Defendant American Family on April 17, 2020 again demanding that Defendant American Family honor its obligations, properly evaluate his claim and compensate him for his injuries.

38. Defendant American Family failed to ever respond to this request.

39. As a direct and proximate result of Defendant American Family's vexatious refusal to pay, Plaintiff Davis has suffered damages in excess of the \$100,000 limits of Policy Number 410143234965.

40. Plaintiff Davis is entitled to payment of his actual damages, including damages in excess of the limits of Policy Number 410143234965, as well as statutory damages and attorney's fees pursuant to § 375.296 and § 375.420 RSMo.

WHEREFORE, Plaintiff Donald Davis requests this Court enter judgment against Defendant American Family Insurance Company and award damages, in excess of the limits of Policy Number 410143234965, and statutory penalties not to exceed twenty percent of the first fifteen hundred dollars of the loss, and ten percent of the amount of the loss in excess of fifteen

hundred dollars for Defendant's vexatious refusal to pay, and reasonable attorney's fee pursuant to § 375.296 and § 375.420 RSMo.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

Respectfully submitted,

/s/ Adam R. Moore

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